

AMENDED IN SENATE MARCH 13, 2006

SENATE BILL

No. 1272

Introduced by Senator Bowen
(Principal coauthor: Senator Alquist)

February 9, 2006

An act to amend Section 4800 of the Probate Code, relating to advance health care directives.

LEGISLATIVE COUNSEL'S DIGEST

SB 1272, as amended, Bowen. Advance health care directives.

Existing law establishes the Advance Health Care Directive Registry allowing individuals to register a written advance health care directive with the Secretary of State. The information in the registry is accessible by specified entities, upon request.

This bill would require the Secretary of State, *on or before January 1, 2008*, to establish an Internet Web site that would permit an individual to register with the registry online and would permit specified entities to request information from the registry online. *The bill would require the Secretary of State to establish the Web site by using existing resources.* The bill would also require that the Advance Health Care Directive Registry Internet Web site and "Donate Life," the California Organ and Tissue Donor Registry Internet Web site, each have a direct link on its home page to the other's Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4800 of the Probate Code is amended to
2 read:

3 4800. (a) The Secretary of State shall establish a registry
4 system through which a person who has executed a written
5 advance health care directive may register in a central
6 information center, information regarding the advance directive,
7 making that information available upon request to any health care
8 provider, the public guardian, or the legal representative of the
9 registrant. A request for information pursuant to this section shall
10 state the need for the information.

11 (b) The Secretary of State shall respond by the close of
12 business on the next business day to a request for information
13 made pursuant to Section 4717 by the emergency department of
14 a general acute care hospital.

15 (c) Information that the Secretary of State may receive is
16 limited to the registrant's name, social security number, driver's
17 license number, or other individual identifying number
18 established by law, if any, address, date and place of birth, the
19 registrant's advance health care directive, an intended place of
20 deposit or safekeeping of a written advance health care directive,
21 and the name and telephone number of the agent and any
22 alternative agent. Information that may be released upon request
23 may not include the registrant's social security number except
24 when necessary to verify the identity of the registrant.

25 (d) ~~The~~ *On or before January 1, 2008, the* Secretary of State
26 shall establish an Internet Web site that allows an individual to
27 register with the registry online. *The Secretary of State shall*
28 *establish the Web site by using existing resources.* The Web site
29 shall also permit a health care provider, the public guardian, or
30 the legal representative of a registrant or the emergency
31 department of a general acute care hospital to request information
32 from the registry online pursuant to subdivision (a) or (b). The
33 Advance Health Care Directive Registry Internet Web site shall
34 have a direct link to "Donate Life," the California Organ and
35 Tissue Donor Registry Web site, on its home page. In addition,
36 "Donate Life," the California Organ and Tissue Donor Registry
37 Internet Web site shall have a direct link to the Advance Health
38 Care Directive Registry Internet Web site.

1 (e) Upon receiving information from a registrant, the Secretary
2 of State shall issue to the registrant an Advance Health Care
3 Directive Registry identification card indicating that an advance
4 health care directive, or information regarding an advance health
5 care directive, has been deposited with the registry. Costs
6 associated with issuance of the card shall be offset by the fee
7 charged by the Secretary of State to receive and register
8 information at the registry.

9 (f) The Secretary of State, at the request of the registrant or his
10 or her legal representative, shall transmit the information
11 received regarding the written advance health care directive to
12 the registry system of another jurisdiction as identified by the
13 registrant, or his or her legal representative.

14 (g) The Secretary of State shall charge a fee to each registrant
15 in an amount such that, when all fees charged to registrants are
16 aggregated, the aggregated fees do not exceed the actual cost of
17 establishing and maintaining the registry.